

LOUISIANA BOARD OF ETHICS  
MINUTES  
April 15, 2011

The Board of Ethics met on April 15, 2011 at 9:00 a.m. in the LaBelle Room on the 1<sup>st</sup> floor of the LaSalle Building located at 617 North Third Street, Baton Rouge, Louisiana with Board Members Boyer, Hymel, Ingrassia, Leggio, Lowrey, Monroe, Simoneaux and Stafford present. Absent were Board Members Bareikis, Bowman and Schneider. Also present were the Ethics Administrator, Kathleen Allen; the Executive Secretary, Deborah Grier; and Counsel, Alesia Ardoin, Tracy Barker, Aneatra Boykin and Michael Dupree.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 11-364 for a waiver of the \$2,000 late fee assessed against Mark Jacobs, a candidate for Jefferson Parish School Board in the October 2, 2010 election, for filing the 10-G report 42 days late. On motion made, seconded and unanimously passed, the Board reduced the late fee to \$100, since Mr. Jacobs timely filed the report in paper format and subsequently filed the report electronically.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 11-481 for a waiver of the \$1,000, \$1,000, \$400, \$1,000, \$1,000 and \$400 late fees assessed against Jack Sessions, a candidate for Town of Pearl River Police Chief in the October 2, 2010 election, for filing the 30-P report 131 days late, the 10-P report 111 days late, the EDE-P report 91 days late, the 10-G report 78 days late, the EDE-G report 60 days late and the 40-G report 29 days late. On motion made, seconded and unanimously passed, the Board continued the matter to the June meeting.

On motion made, seconded and unanimously passed, the Board adopted the following

general business agenda items:

In connection with a request by John Neilson, declined to forgive the remaining balance owed on a fine imposed in Docket No. 07-247 in connection with a consent opinion executed by Mr. Neilson, a former member of the DeSoto Parish Waterworks District No. 1 and the current administrator, in which he admitted to violating Sections 1121A(2), 113A, 1119A and 1112B(1) of the Code of Governmental Ethics and agreed to pay a fine of \$5,000 in 25 monthly installments of \$200.

Board Member Bareikis arrived at the meeting at 9:02 a.m.

Adopted for publication, a consent opinion in which Jimmy R. Faircloth, Jr. agrees that a violation of Section 1113D(3)(a) of the Code of Governmental Ethics occurred by virtue of his entering into a contract, through his law firm, the Faircloth Law Group, LLC, with the Louisiana Tax Commission to provide the Commission with legal services within one (1) year of the termination of his services as the Executive Counsel to the Governor of Louisiana and that no violation of the Code of Governmental Ethics was presented by virtue of the volunteer services provided by Mr. Faircloth to the Louisiana Board of Massage Therapy, since a contract was never confected between the parties and in which Mr. Faircloth agrees to pay a fine of \$1,000 to be suspended conditioned upon future compliance with the Code of Governmental Ethics. Board Member Lowrey recused himself.

Adopted an advisory opinion in Docket No. 11-230 concluding that no violation of the Code of Governmental Ethics is presented by employees and elected officials of the Cameron Parish Police Jury and their family members participating in the Cameron Parish Housing Assistance Program (HAP), since Cameron Parish has a population of less than 10,000. The Board further

advised that Section 1112A and Section 1112B(1) of the Code of Governmental Ethics prohibits a public servant from participating in a transaction involving his governmental entity in which either the public servant or a member of his immediate family has a substantial economic interest. Section 1120 of the Code provides an exception to Section 1112 of the Code, which allows an elected official to recuse himself from voting on a matter before his governmental entity that would violate Section 1112 of the Code. Further, employees of Cameron Parish who do not work in or are not connected to the department or division that involves the Cameron Parish Housing Assistance Program and their immediate family members are not prohibited from applying for and receiving benefits from the Cameron Parish Housing Assistance Program. However, Cameron Parish employees of the Housing Office and their immediate family members are prohibited from applying for and receiving benefits from the Cameron Parish Housing Assistance Program.

Adopted an advisory opinion in Docket No. 11-362 concluding that no violation of the Code of Governmental Ethics is presented by Hope Henderson, an employee of the Louisiana Department of Revenue (LDR), providing Professional Entry Test (PET) tutoring to state employees not presently employed by the LDR, since providing such tutoring is not part of her job duties and responsibilities in her employment with LDR.

Adopted an advisory opinion in Docket No. 11-400 concluding that no violation of the Code of Governmental Ethics is presented by Lawanda Selders, the Roadside Coordinator for the Department of Transportation and Development (DOTD), accepting an appointment to the Louisiana Vegetation Management Association Board (LVMA), since the LMVA is not under the supervision of the DOTD. The Board further advised that Ms. Selders should recuse herself from participating in any matters concerning the LVMA that come before her as a roadside coordinator for DOTD.

Adopted an advisory opinion in Docket No. 11-402 concluding that Section 1119 of the Code of Governmental Ethics prohibits Michael Aucoin, son of St. Charles Parish School Board Member Arthur Aucoin, from continuing his part-time employment with the St. Charles Parish school system, since he only worked holidays and summers and was not continuously employed by the school system for at least one (1) year prior to his father being elected to the St. Charles Parish School Board.

Adopted an advisory opinion in Docket No. 11-407 concluding that no violation of the Code of Governmental Ethics is presented by the Baton Rouge Union of Police, Local 237 donating a computer to the Baton Rouge Municipal Fire and Police Civil Service Board, since there is no public servant accepting anything of economic value.

Adopted an advisory opinion in Docket No. 11-426 concluding that Section 1111C(2)(d) of the Code of Governmental Ethics prohibits Jeremiah St. Pierre, a newly appointed member of the Lafourche Parish Housing Authority, from selling insurance to residents of the Housing Authority, since the leasing agreement between the residents and the Housing Authority is a contractual relationship and as long as those residents have the contractual relationship with the housing authority, Mr. St. Pierre, as a member of the Commission, is prohibited from accepting anything of economic value from those residents of the Housing Authority for providing insurance services.

Adopted an advisory opinion in Docket No. 11-439 concluding that Section 1111A of the Code of Governmental Ethics prohibits Robert Hecker, an employee of the St. Tammany Parish Fire Protection District #4, from using a fire department training classroom, after duty hours, to teach various classes to health care providers, since the classes being offered are not taught as a requirement of his job as a Paramedic Trainer for the District and the free usage of the classroom

would be a thing of economic value that he would obtain because of the position he holds with the District.

Adopted an advisory opinion in Docket No. 11-445 concluding that Section 1113 of the Code of Governmental Ethics prohibits immediate family members of Simmesport Town Council members from serving on the Simmesport Housing Authority Board of Commissioners, since the appointment is made by the Town of Simmesport, the agency of a member of the Simmesport Town Council.

Adopted an advisory opinion in Docket No. 11-459 concluding that Section 1112A of the Code of Governmental Ethics prohibits a member of the Louisiana State Board of Private Investigator Examiners (LSBPIE), who is also a licensed private investigator, from participating in a motion to exempt him or herself from the annual continuing education requirement, since a board member, who is a licensed private investigator, would be exempt from the costs associated with continuing education, and such costs do not arise solely out of his service on the LSBPIE, thereby a board member is deemed to have a substantial economic interest in such a motion of the LSBPIE.

Adopted an advisory opinion in Docket No. 11-461 concluding that (1) Section 1113(A) of the Code of Governmental Ethics prohibits the employees of the Jefferson Davis Parish Mosquito Abatement District No. 1 and their immediate family members, and any legal entity in which the employee has an interest in excess of 25%, from bidding on the District's surplus property; and, (2) Section 1113B of the Code of Governmental Ethics prohibits the appointed members of the Commission, their immediate family members, and any legal entity in which the commissioner has a substantial economic interest from bidding on the surplus property, since the property is under the supervision of the District.

Adopted an advisory opinion in Docket No. 11-462 concluding that no violation of the Code of Governmental Ethics is presented by Elain King, the former Director of Public and Governmental Relations at LSU Health Sciences Center in Shreveport, contracting with the LSU Health Sciences Foundation to provide consulting services. The Board further advised that Section 1121B of the Code of Governmental Ethics prohibits Ms. King, for a period of two years following her termination of employment with the LSU Health Sciences Center, from assisting the Foundation in a transaction in which she participated as an employee of the LSU Health Sciences Center and from rendering any service that she previously rendered to the LSU Health Sciences Center on a contractual basis back to the Health Center. As a contract employee of the Foundation, Ms. King would be attending the legislative session to update the Foundation on new pending legislation that will affect the Health Center. Her attendance during the legislative session will not involve any matters that she previously dealt with as a former employee of the Health Center. Additionally, Ms. King will render services to the Foundation and not the Health Center. Thus, there is no violation of Section 1121B of the Code if Ms. King enters into a contract with the Foundation.

Adopted an advisory opinion in Docket No. 11-619 concluding that no violation of the Code of Governmental Ethics is presented by the Town of Lake Arthur renewing its insurance policies with the Jennings office of JD Bank Insurance, LLC as long as an agent other than Darryl Bertrand, the brother of Mayor Robert Bertrand, services the account and effects the renewal of the policies. The Board further advised that Section 1113A of the Code of Governmental Ethics prohibits Darryl Bertrand from providing services on the policies with the Town as that would constitute a transaction with his brother's agency; however, the Code of Governmental Ethics does not prohibit another agent in the Jennings office from providing those services. Also, Mayor Robert Bertrand is

prohibited from participating in the purchase or renewal of the policies that will earn a commission for his brother. Darryl Bertrand will be required to disclose the income received from JD Bank Insurance, LLC pursuant to Section 1114 of the Code.

On motion made, seconded and unanimously passed, the Board approved the minutes of the March 17-18, 2011 meetings.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 11-107 for reconsideration of a waiver request of the \$800 late fee assessed against Carroll Stelly, a candidate for City of Rayne Police Chief in the October 2, 2010 election, for filing his 30-P report 20 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$800 late fee based on the level of activity reported.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 11-122 for reconsideration of a waiver request of the \$160 late fee assessed against Lorraine Wimberly, a candidate for Ascension Parish School Board in the October 2, 2010 election, for filing her 10-G report 4 days late. On motion made, seconded and unanimously passed, the Board affirmed the decision to decline to waive the \$160 late fee.

Board Member Schneider arrived at the meeting at 9:24 a.m.

The Board considered a request for an advisory opinion in Docket No. 11-366 regarding Marian Fertitta, a member of the Lafourche Parish School Board, moving from the position of Assistant Superintendent to the position of Superintendent with the Diocese of Houma-Thibodaux. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Marian Fertitta continuing to serve as either Assistant Superintendent or Superintendent of School of the Diocese of Houma-Thibodaux while she serves

as a member of the Lafourche Parish School Board and the Diocese has a financial relationship with the school board, since Ms. Fertitta is a salaried employee whose salary remains unaffected by the relationship between the Diocese and the school board, she does not own a controlling interest in the Diocese and, she is not an officer, director, trustee or partner in the Diocese. The Board further concluded that Section 1112B(3) of the Code of Governmental Ethics would prohibit Ms. Fertitta from participating in any matters that come before the Lafourche Parish School Board involving the Diocese of Houma-Thibodaux. However, Section 1120 of the Code provides that any elected official, who is required to vote on a matter in violation of Section 1112 of the Code, must recuse himself from voting. Ms. Fertitta is not prohibited from participating in discussion and debate concerning the matter provided that she verbally discloses the nature of the conflict or potential conflict during her participation in the discussion or debate prior to any vote being taken. Lastly, the Board concluded that Section 1114 of the Code of Governmental Ethics would require Ms. Fertitta to file a financial disclosure statement each year disclosing the income she receives from the Diocese.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board unanimously agreed to reconsider the action previously taken in Docket No. 11-122 in connection with a request for reconsideration of a waiver request of the \$160 late fee assessed against Lorraine Wimberly, a candidate for Ascension Parish School Board in the October 2, 2010 election, for filing her 10-G report 4 days late. On motion made, seconded and passed by a vote of 5 yeas by Board Members Boyer, Hymel, Lowrey, Simoneaux and Stafford, 4 nays by Board Members Bareikis, Ingrassia, Leggio and Monroe and 1 abstention by Board Member Schneider, the Board waived the \$160 late fee assessed against Ms. Wimberly

Chairman Simoneaux vacated the Chair and Vice Chairman Boyer assumed the Chair.

The Board considered the issue of requesting an opinion from the Attorney General as to whether the authority to sign the order and decree in a consent opinion vests in the Board of Ethics or in the Ethics Adjudicatory Board. The Board unanimously agreed to temporarily defer consideration of the matter.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered requests for “good cause” waivers of late fees assessed against the following candidates and political action committees:

The Board unanimously declined to waive the late fees assessed against the following:

Docket No. 11-477 from Ruben LeBlanc of a \$600 late fee;  
Docket No. 11-478 from Robert Wiley of a \$120 late fee;  
Docket No. 11-479 from Ellis Guillory, Sr. of a \$1,000 late fee;  
Docket No. 11-482 from Ronnell “Bruce” Broussard of a \$200 late fee;  
Docket No. 11-483 from Patti Polito-Sparacello of a \$400 late fee; and,  
Docket No. 11-495 from Howard “Doc” Alexander of a \$500 late fee,  
a \$400 late fee and a \$400 late fee.

The Board unanimously declined to waive the \$400 late fee in Docket No. 11-479 assessed against Ellis Guillory, Sr., a candidate for Evangeline Parish School Board in the October 2, 2010 election, whose EDE-G report was filed 46 days late, but suspended \$300 based on the level of activity and no prior late filings.

The Board considered requests for “good cause” waivers of late fees assessed against the following lobbyists:

The Board unanimously declined to waive the \$500 late fee in Docket No. 11-528 assessed against lobbyist Clinton Schexnayder for filing his ER-09/10 report 99 days late, but suspended the entire late fee, since Mr. Schexnayder terminated his lobbying registration on September 30, 2010

due to the termination of his employment with the company earlier that month and since Mr. Schexnayder had not received any notices from his former employer regarding the required filing of the report.

The Board unanimously declined to waive the \$150 late fee in Docket No. 11-529 assessed against lobbyist John Morgan for filing his ER-12/10 report 3 days late.

The Board considered requests for “good cause” waivers of late fees assessed against the following individuals in connection with the failure to timely file personal financial disclosure statements:

The Board unanimously declined to waive the \$700 late fee in Docket No. 11-496 assessed against Leo Meche for filing his Tier 2 personal financial disclosure statement 7 days late, but suspended the entire late fee based on the waiver guidelines and upon future compliance with the Code of Governmental Ethics.

The Board unanimously declined to waive the \$700 late fee in Docket No. 11-497 assessed against Judy Meche for filing her Tier 2 personal financial disclosure statement 7 days late, but suspended the entire late fee based on the waiver guidelines and upon future compliance with the Code of Governmental Ethics.

The Board unanimously declined to waive the \$250 late fee in Docket No. 11-499 assessed against Kevin Marcel for filing his Tier 2.1 personal financial disclosure statement 5 days late, but suspended the entire late fee based on the waiver guidelines and upon future compliance with the Code of Governmental Ethics.

The Board unanimously declined to waive the \$600 late fee in Docket No. 11-543 assessed against Milton Cambre for filing his Tier 2 personal financial disclosure statement 6 days late, but

suspended the entire late fee based on the waiver guidelines and upon future compliance with the Code of Governmental Ethics.

The Board considered a request in Docket No. 11-280 for a waiver of the \$2,500 late fee assessed against Christine Duhe for filing her Section 1114 disclosure statement 207 days late. On motion made, seconded and unanimously passed, the Board declined to waive the \$2,500 late fee but suspended \$2,000 based upon future compliance with the Code of Governmental Ethics.

Chairman Simoneaux assumed the Chair.

The Board discussed requesting an opinion from the Attorney General on the issue of whether the authority to sign the order and decree in a consent opinion vests in the Ethics Board or in the Ethics Adjudicatory Board. Following discussion of the matter, on motion made, seconded and passed by a vote of 7 yeas by Board Members Boyer, Hymel, Leggio, Lowrey, Schneider, Simoneaux and Stafford and 3 nays by Board Members Bareikis, Ingrassia and Monroe, the Board agreed to seek the opinion from the Attorney General on this matter.

The Board unanimously agreed to consider the following supplemental agenda items:

The Board considered the proposed consent opinion in Docket No. 07-845 regarding Jackson Bell Attorneys at Law providing legal services to Louisiana Citizens Property Insurance Corporation. On motion made, seconded and unanimously passed, the Board adopted for publication the consent opinion in which Jackson Bell Attorneys at Law, LLC, a legal entity in which Representative Michael Jackson owns an interest, agrees that a violation of Section 1113D of the Code of Governmental Ethics occurred by providing compensated legal services to Louisiana Citizens Property Insurance Corporation and in which Jackson Bell Attorneys at Law, LLC agrees to pay a fine of \$5,000.

The Board considered a request for an advisory opinion in Docket No. 11-356 regarding Darrel Vannoy, a Deputy Warden at the Louisiana State Penitentiary at Angola, entering into a contract with a private prison facility. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Mr. Vannoy providing consulting services to, or owning an interest in, a private prison facility, since his job duties for Angola do not include the provision of security services related to the incarceration of individuals outside of Angola and the provision of such services to other prison facilities is not substantially related to the programs and operations of his agency, the Louisiana State Penitentiary at Angola. The Board further concluded that no apparent violation of Section 1111C(2)(d) of the Code of Governmental Ethics is present, since there is not a business, financial or contractual relationship between Angola and any private prison enterprises.

The Board considered a request for an advisory opinion in Docket No. 11-465 regarding Dr. Claudette Aubert, the spouse of Representative Elton Aubert, opening an adult day health care center and a charter school in Vacherie, Louisiana. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Dr. Aubert operating an adult day health care center or a charter school, as long as she does not enter into a contract with state government to operate the adult day health care center or charter school. The Board further advised that Section 1113D(1)(c)(v) of the Code of Governmental Ethics indicates that applying for, payment of fees for, or obtaining a license, credential, or permit provided that such license, credential, or permit is available to similarly situated persons, is not considered a “contract” for purposes of the restriction on contracting with state government. Therefore, Dr. Aubert may apply for a permit to run an adult day health care center or charter school, if such permits are

available to others simulated similarly to her.

The Board considered a request for an advisory opinion in Docket No. 11-620 regarding a company owned by Reid Falconer, a member of the St. Tammany Parish Council, applying for an “administrative approval” of a minor subdivision of property. On motion made, seconded and unanimously passed, the Board concluded that Section 1113A of the Code of Governmental Ethics prohibits Reid Falconer, through a company owned by himself and his immediate family members, from applying to the St. Tammany Parish Planning Director to subdivide property, since an application to subdivide property is a transaction and Mr. Falconer, a member of his immediate family or a legal entity in which either owns a controlling interest is prohibited from submitting such application to the St. Tammany Parish Planning Director as long as Mr. Falconer serves as a member of the St. Tammany Parish Council. Board Member Schneider recused himself.

The Board considered a request for an advisory opinion in Docket No. 11-630 regarding post employment restrictions applicable to Beau James Brock, the Confidential Assistant to the Secretary of the Department of Environmental Quality (DEQ) from January 2008 until August 2010 and the Assistant Secretary for DEQ’s Office of Compliance from August 2010 until January 2011. On motion made, seconded and unanimously passed, the Board concluded that Section 1121A(1) of the Code of Governmental Ethics prohibits Mr. Brock from entering into any contracts with the DEQ, Office of Compliance, or assisting a person in a transaction involving the DEQ, Office of Compliance for a period of two (2) years following the termination of his service as Assistant Secretary for the DEQ, Office of Compliance. The Board further concluded that no violation of the Code of Governmental Ethics is presented by Mr. Brock representing his client before the DEQ, Office of Environmental Services, since he did not participate in the matter before the DEQ, Office

of Environmental Services as Confidential Assistant.

The Board considered 2012 legislation affecting the laws administered by the Board of Ethics, specifically House Bill 103 by Representative Armes and House Bill 331 by Representative Ligi. The Board agreed to defer discussion on the 2012 legislation until all bills affecting the laws administered by the Board have been filed and can be presented at one time to the Board for their review.

The Board considered the charges filed and pending before the Ethics Adjudicatory Board in Docket No. 10-185 against Albert J. Foulcard in connection with his failure to amend his 2008 personal financial disclosure statement. On motion made, seconded and unanimously passed, the Board dismissed the charges against Mr. Foulcard.

The Board unanimously adjourned at 10:11 a.m.

---

Secretary

APPROVED:

---

Chairman

